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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

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12 JOSE G. ALCANTAR,	)	Case No.: C 12-00263 PSG
13 v.	)	<b>ORDER TO REASSIGN CASE; AND</b>
14 ALUM ROCK UNION ELEMENTARY	)	<b>REPORT AND RECOMMENDATION</b>
15 SCHOOL DISTRICT, ET AL.,	)	<b>THAT COMPLAINT BE DISMISSED</b>
16 Defendants.	)	<b>WITH LEAVE TO AMEND</b>
17 _____	)	

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On January 17, 2012, Plaintiff Jose G. Alcantar (“Alcantar”) proceeding *pro se* filed a complaint and an application to proceed *in forma pauperis*. Based on the application and the file herein,

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IT IS HEREBY ORDERED that this case be reassigned to a District Court Judge with the recommendation that the complaint be dismissed with leave to amend.<sup>1</sup> A federal court must dismiss an *in forma pauperis* complaint if the complaint is: (1) frivolous; (2) fails to state a claim on which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such

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<sup>1</sup> This court is ordering reassignment to a district judge because, absent consent of all parties, a magistrate judge does not have authority to make case-dispositive rulings. *See, e.g., Tripati v. Rison*, 847 F. 2d 548, 549 (9th Cir. 1988).

1 relief.<sup>2</sup>

2 In the complaint, Alcantar alleges unspecified discrimination based on origin, retaliation,  
3 harassment, and bullying against himself and his Mexican students. While the complaint references  
4 general violations of federal law, it fails to state a particular claim on which relief may be granted. A  
5 district court nevertheless must give litigants an opportunity to amend their complaint “when justice  
6 so requires.”<sup>3</sup> A federal court also must liberally construe the “inartful pleading” of parties appearing  
7 *pro se.*<sup>4</sup> Accordingly, this court recommends that the district court dismiss the complaint but with  
8 leave to amend.

9 **IT IS SO ORDERED.**

10 Dated: 3/1/2012

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12 PAUL S. GREWAL  
United States Magistrate Judge

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26 <sup>2</sup> See 28 U.S.C. §1915(e)(2); *see also Neitzke v. Williams*, 490 U.S. 319, 324 (1989).

27 <sup>3</sup> Fed. R. Civ. P. 15(a).

28 <sup>4</sup> *Hughes v. Rowe*, 449 U.S. 5, 9 (1980).